

Dated: May 8, 2012.



A handwritten signature in cursive script, reading "S. Martin Teel, Jr.", is written over a horizontal line.

S. Martin Teel, Jr.
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
JOHN MICHAEL FITZPATRICK,)	Case No. 11-00959
)	(Chapter 11)
Debtor.)	
)	Not for publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER
DENYING MOTION TO WAIVE DISCLOSURE STATEMENT

John Michael Fitzpatrick has filed a "Motion to Waive Disclosure Statement or Determine Plan Itself Provides Adequate Information and Set Hearing Date for Confirmation". For the reasons that follow, this motion will be denied.

To the extent the motion asserts that a disclosure statement is not needed because the plan does not impair any claims, the motion is denied. The plan does impair claims.

Moreover, the plan itself does not provide adequate information and a separate disclosure statement is necessary. The plan lacks "information of a kind, and in sufficient detail, . . . that would enable [] a hypothetical investor of the relevant class to make an informed judgment about the plan" 11 U.S.C. § 1125(a)(1). The plan fails to even touch upon

the circumstances that gave rise to the filing of the petition, the available assets and their value, a liquidation analysis, and the claims against the estate, to name just a few ways in which the plan falls short of providing adequate information. See *In re Ferretti*, 128 B.R. 16, 18 (Bankr. D.N.H. 1991). For these reasons, it is

ORDERED that the "Motion to Waive Disclosure Statement or Determine Plan Itself Provides Adequate Information and Set Hearing Date for Confirmation" (Dkt. No. 97) is denied.

[Signed and dated above.]

Copies to: Debtor; Office of the United States Trustee.